

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:22-cv-00237-MR**

KENDALL CHARLES ALEXANDER, SR.,)
)
)
 Plaintiff,)
)
 vs.)
)
 U.S. DEPARTMENT OF JUSTICE,)
 et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on the Plaintiff's pro se Motion for Leave to Amend Complaint [Doc. 7].

The pro se Plaintiff, who is presently incarcerated at the Mecklenburg County Jail, filed this civil rights action pursuant to the Federal Tort Claims Act. [Doc. 1]. He is proceeding in forma pauperis. [Doc. 6]. The Complaint has not yet been reviewed for frivolity. The Plaintiff has now filed the instant Motion in which he seeks to add Defendants and allegations. [Doc. 7].

A plaintiff may amend a complaint once as a matter of course within 21 days after serving the complaint, or within 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), which is earlier. Fed. R. Civ. P. 15(a)(1). A plaintiff may

subsequently amend with permission from the court which “shall be freely granted when justice so requires.” Fed. R. Civ. P. 15(a)(2).

The Plaintiff’s Motion is denied as moot because no leave of Court is required for the Plaintiff to amend at this juncture. However, the allegations contained in the Motion will be disregarded because the Plaintiff has not filed a proposed Amended Complaint and piecemeal amendment will not be allowed. The Plaintiff may amend his Complaint within 30 days of this Order. The Plaintiff must submit his Amended Complaint on a complaint form, clearly identify the Defendants against whom he intends to proceed, and set forth facts describing how each of the Defendants allegedly violated his rights. Any Amended Complaint will be subject to all timeliness and procedural requirements and will supersede his prior filings. If the Plaintiff fails to timely amend his Complaint in accordance with this Order, the Court will proceed on the original Complaint. [Doc. 1].

IT IS, THEREFORE, ORDERED that:


1. The Plaintiff’s Motion for Leave to Amend Complaint [Doc. 7] is **DENIED**.
2. The Plaintiff may file a superseding Amended Complaint within **thirty (30) days** of this Order. If Plaintiff fails to file an Amended

Complaint in accordance with this Order, this action will proceed on the original Complaint [Doc. 1].

The Clerk is respectfully instructed to mail the Plaintiff a blank prisoner complaint form (Pro Se 1) and a copy of this Order.

IT IS SO ORDERED.

Signed: September 2, 2022



Martin Reidinger
Chief United States District Judge

